IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24684 of 2004

Between:

J. Harilal, S/o. Sri J. Malloji,
R/o. First Floor, H.No.2-2-3/04, TRT 55,
Industrial Housing Colony, Vidyanagar, Hyd. ..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Tank Bund, Hyderabad,
rep. by its Commissioner.
2 The Assistant Commissioner, Municipal Corporation of Hyderabad,
Circle III, Abids, Hyderabad-500001.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the inaction of the respondents in taking action on the illegal constructions in spite of the petitioner complaint dated 04.08.2004 and 04.09.2004 as illegal, contrary to law and further direct the respondent to take immediate action thereon as per Sections 452 and 453 of Hyderabad Municipal Corporation Act.

Counsel for the Petitioner : Mr.M.V.DURGA PRASAD

Counsel for Respondents : Mr.G.RAMA RAO, SC FOR MCH (not present)

The Court at the stage of admission, made the following :

ORDER:

None appears for the respondents.

The petitioner claims to be owner of first floor Flat bearing H.No.2-2-3/64, TRT 55, Industrial Housing Colony, Vidyanagar, Hyderabad. The grievance of the petitioner is that one Smt.M.Aruna Mani who is residing in the ground floor of the same premises, has constructed 6 small rooms with asbestos roof in the open common area belonging to both petitioner and Smt.Aruna Mani, illegally, without any sanction and that the said construction is causing damage to the original structure of the building and the petitioner has been suffering severe inconvenience on account of the said illegal construction to use the common area. Petitioner states that though he made representations/ complaints to the respondent authorities on 4.8.2004, 4.9.2004 and 8.11.2004, but the respondents neither taken any action against Smt.M.Aruna Mani nor passed any orders on his representations. Hence, the present writ petition.

Since the representations of the petitioner dated 4.8.2004, 4.9.2004 and 8.11.2004 are pending before the respondents, without going into merits of the matter, I deem it appropriate to direct the respondents to consider the said representations submitted by the petitioner and shall pass appropriate orders, in accordance with law.

The writ petition with the above observations and directions, is accordingly disposed of. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund,

Hyderabad.

2 The Assistant Commissioner, Municipal Corporation of Hyderabad,
Circle III, Abids, Hyderabad-500001.

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